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EXAMINER

TRAN, HENRY N

ART UNIT PAPER NUMBER

2674

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/006,342

Applicant(s)

WONG ET AL.

Examiner

Henry N. Tran

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2005 and 27 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 12,15,19-22,24-28,35-39 and 41-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12,15,19-22 and 24-28 is/are allowed.
- 6) ☒ Claim(s) 35-39 and 41-48 is/are rejected.
- 7) ☒ Claim(s) 41-48 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The Amendments received April 28, 2005 and December 27, 2004 have been thoroughly considered; and this Office action is in response thereto.

#### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the: “a rotation axis” (claim 12), “a reference point” (claims 28 and 35), and “the bezel feature is formed by a contact-sensitive material that provide a surface on which a pointer may be dragged to indicate an input” (claim 41) must be shown or the features canceled from the claims. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

Art Unit: 2674

be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the followings are required:

“the bezel feature is rotatable about a rotation axis” (claim 1, a rotation axis has no support in the specification);

“the bezel feature is also ... formed by the contact-sensitive material” (claim 19);

“a diameter length of the bezel feature is greater than (or at least 50%, or at least 90%) of a length ...” (claims 20-22, and 46-47);

“the lid is formed from material that is transparent” (claim 24);

“a reference point” (claims 28 and 35); and

“the bezel feature is formed by a contact-sensitive material that provide a surface on which a pointer may be dragged to indicate an input” (claim 41).

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 41-48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 41-48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim. The claimed phrase "on which a pointer may be dragged to indicate an input" recited in claim 41 renders the claims 41-48 as being indefinite because the use of the pointer is unclear.

For the purpose of this Office action, the examiner assumes that the above claimed phrase "on which a pointer may be dragged to indicate an input" is changed to --on which a pointer is dragged to indicate an input--; or changed to --on which a pointer is used to indicate an input--.

Applicants are required to amend the claimed phrase in response to this Office action.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 35-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. US 20030117380 A1 to Kanzaki.

7. Regarding claim 35, Kanzaki (Figs. 1, 2 & 3) teaches an electronic device comprising a housing that contains one or more electronic components of the electronic device (paragraph 11, a display unit with a driver and control unit), a display assembly (1) wherein the display assembly is contact-sensitive (paragraph 17), and a processor (15) configured to display a bezel feature on the display assembly (paragraph 26, the virtual dial picture displayed on the

Art Unit: 2674

display unit 12 is inherently displayed by a processor), detect a continuous contact with the display assembly having a starting point and a finishing point (paragraph 25) wherein at least one of the starting point and finishing point is on a surface portion of the screen corresponding to where the bezel feature is displayed (paragraph 18), determine an input based on the continuous contact, wherein the input is based on a position of at least one of the starting point and the finishing point (paragraph 25, from the start position of the touch to the end position of the touch constitutes a continuous touch), and perform an operation based on the input (paragraph 9), wherein, moving distance or moving speed of the touching finger or pen is used for determining an input.

Although Kanzaki does not expressly teach that the continuous contact with the display assembly resulting in a reference point of the bezel feature being move from a starting point to a finish point.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to consider the use of the initial or moving start contact position of the finger or the pen with the virtual dial picture displayed on the screen as the claim feature: “a reference point of the bezel feature” because it would conveniently and effectively used for calculating the distance of movement so that a desired operation is input; and which is normally used for calculating movement distance (paragraphs 26 and 27). By this rational, claim 35 is rejected.

8. Regarding claim 36, Kanzaki, as applied to claim 35, further teaches a bezel feature displayed on the perimeter of the screen of the display assembly (in figure 2, the dials are displayed on the perimeter of the screen).

9. Regarding claim 37, Kanzaki, as applied to claim 35, further teaches a response

to the continuous contact where the processor is configured to present one or more items of the screen for selection (5-3).

10. Regarding claim 38, Kanzaki, as applied to claim 35, further teaches a response to the continuous contact where the processor is configured to perform one of more operations based on the continuous contact (paragraphs 28-34).

11. Regarding claim 39, Kanzaki, as applied to claim 35, further teaches a processor configured to perform one or more operations based on the duration of the continuous contact (paragraph 21).

12. Claims 41-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,556,222 to Narayanaswami in view of US Patent Application Publication 2003/0115384 to Sonehara et al. ("Sonehara").

13. Regarding claims 41-45, which stand rejected under 35 U.S.C. 103(a) as being unpatentable over Narayanaswami in view of Sonehara as recited in the prior Office action.

14. Regarding claims 46-48, Narayanaswami does teach that the bezel feature (400) comprising a ring 405, which has a circumference that fits on the periphery of a greatest dimension of the housing of the watch 410, see Figs. 6A and 6B; and col. 8, lines 25-28. Claims 46-48 are dependent upon the base claim 41; and are therefore rejected on the same reasons set forth in claim 41, and by the reasons noted above.

***Allowable Subject Matter***

15. Claims 12, 15, 19-22, and 24-28 are allowed.

*Response to Arguments*

16. Applicant's arguments, see Sections A and B of the Amendment, filed 12/27/04, with respect to claims 12, 15, 17, 19-22, 24-28, and 29-34 have been fully considered and are overcome the rejections recited in the prior Office action.

17. Applicant's arguments with respect to claims 12, 15, 19-22, 24-28, 35-39, and 41-48 have been considered but are moot in view of the new grounds of rejection.

18. Applicant's arguments that the prior art bezel feature is not formed by a contact-sensitive material that provides a surface on which a pointer may be dragged to indicate an input, see page 12 of the Amendment. Applicant's arguments have been fully considered but they are not persuasive because the Sonehara patent (paragraphs 58 - 59 and 62) teaches a jog dial input where the bezel feature 400 is a rotary body that is formed on or by a contact sensitive surface (paragraph 58, lines 7 - 9) on which a pointer, which is a downward elastic contact leg, may be dragged to indicate an input (paragraph 59) and that the jog dial can be arranged in any easy-to-operate manner (paragraph 63).

19. It's noted that the Amendments to the claims fail to follow the rules defined by the Revised Amendment Practice under 37 CFR 1.121; wherein added text must be shown by **underlining**, and the delete text must be shown by **~~striketrough~~** (relative to the immediate prior version).

For example, in the amendment of claim 12, the newly added feature: "an interface for the bezel feature" has not been **underlined**; and the deleted feature: "... provided on the housing" has shown no **~~striketrough~~**; and in the amended claim 35, the deleted feature

“wherein the operation includes a selection of an application” was missing, and no ~~striketrough~~ shown.

Applicants are required to apply the Revised Amendment Practice under 37 CFR 1.121 in the next amendments.

### ***Conclusion***

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

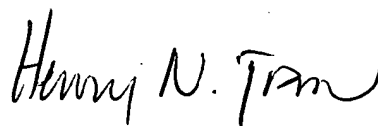
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Henry N. Tran whose telephone number is 571-272-7760. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick N. Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2674

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "Henry N. Tran". The signature is written in a cursive, flowing style.

Henry N Tran  
Primary Examiner  
Art Unit 2674

7/22/05